IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITIN NO.456 OF 2006

Dhananjay V. Chavan & Anr. ....Petitioners
V/s.
Mrs.Shakuntala V. Ohol & Anr. ....Respondents

Mr.Rahul Kadam i/b Mr.U.P. Warunjikar for the Petitioners.

Mr.P.K. Hushing for the Respondents.

CORAM : S.J. VAZIFDAR, J.
DATED : 25TH JANUARY, 2007.

P.C. :

1. Rule. Rule returnable and heard forthwith.

2. I must preface this order stating that the impugned order is set aside only to ensure that the Petitioners have no cause for grievance. My setting aside the order does not in any manner reflect upon the correctness thereof.

3. The Petitioner's application for appointment of T.I.L.R. was allowed by an order dated 24.6.2004. It appears that the Petitioner was given notice when the inspection would be done on 16.10.2004. However, admittedly on 16.10.2004 nobody visited the site from

the office of the T.I.L.R.

4. According to the report, a site inspection was carried out on 31.12.2004 after notice to all the parties. The Petitioners deny having received the notice. It would be an unnecessary waste of time entering into the controversy. The ends of justice would be met by the following order :-

i). The impugned order is set-aside. Rule is made absolute in terms of prayer (a). The

ii). The T.I.L.R. shall execute the order dated 24.6.2004 (Exhibit 20) afresh at the costs of the Petitioners.

5. The Rule is accordingly disposed of.